



## **Zoning Administrator NOTICE OF DECISION**

**Date:** May 28, 2015  
**Applicant:** Heriberto Gutierrez, Gutierrez Auto Center  
**Case No.:** DRC-13-11  
**Site Address:** 2681 Main Street, Chula Vista, Ca.  
**Project Planner:** Richard E. Zumwalt, A.I.C.P.

Notice is hereby given that on May 28, 2015, the Zoning Administrator considered an Administrative Design Review application filed by Heriberto Gutierrez (Property Owner), requesting approval of a remodel of the Gutierrez Auto Center located at 2681 Main Street in Chula Vista, CA.

The Design Review application proposes demolition of several existing non-permitted structures, and remodeling of three existing legal previously-conforming structures totaling 3,964 square feet, and construction of a 3,873 square foot addition that connects two of the existing structures, resulting in one 6,184 square foot auto repair building, one 812 square foot office building, and an 18 space parking lot. The structures would be used as an office and auto repair facility to conduct minor auto repairs such as oil changes, brake repair, tune-ups and tire sales and installation. The Project site is 0.66 acres in size and is located at 2681 Main Street in Chula Vista, CA. The Project site has a zoning designation of Limited Industrial-Precise Plan (ILP), and a General Plan Designation of Limited Industrial (IL).

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a categorical exemption pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. The project meets the exemption criteria because it proposes construction and conversion of four or less commercial buildings with a total square footage of less than 10,000 square feet; the project does not utilize a substantial amount of hazardous materials; the project site is located in an urbanized area where all necessary public services and facilities are available; and the surrounding area is not environmentally sensitive. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Chula Vista Municipal Code (CVMC) Section 19.14.582.G, and based on the applicable design guidelines of the Design Manual, has conditionally approved the Project, based upon the following findings:

- 1. That the proposed development is consistent with the development regulations of the Chula Vista Municipal Code, and other applicable regulatory documents,*

The project is consistent with the Zoning Ordinance, Chapter 19 of the CVMC because the project proposes construction of an auto repair building and an office building that would be used as a minor auto repair facility, which is a permitted use in the ILP zone.

The project has been designed to comply with the applicable development standards of the ILP zone.

2. *The design features of the proposed development are consistent with, and are a cost effective method of satisfying the City of Chula Vista Design and Landscape Manuals.*

The project design includes a variety of architectural elements, including variable roof styles such as blending of curvilinear and flat roof lines, and a variety of exterior materials such as stucco, corrugated metal siding, and a glass storefront door and window system. The project also proposes a variety of complimentary colors and textures, thus the design is consistent with the Industrial design guidelines of the Design Manual.

## CONDITIONS OF APPROVAL

The following conditions of approval shall be satisfied by the Applicant and/or Property owner to the satisfaction of the Director of Development Services Department prior to the issuance of the building permit for the Project, unless otherwise specified in the conditions of approval:

### DEVELOPMENT SERVICES DEPARTMENT:

#### PLANNING DIVISION:

1. The Project Site shall be improved and maintained in accordance with the approved DRC-13-11 plans, which include the site plan, elevations, floor plan and concept landscape plans approved May 28, 2015, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

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Signature of Property Owner

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Date

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Signature of Authorized Representative

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Date

3. If installation of new or modified signs are proposed, the Applicant shall obtain approval of a Sign Permit from the City for construction of any proposed signs. Signs shall comply with the Sign Ordinance, CVMC Chapter 19.60, including the CVMC 19.60.580, Limited Industrial (IL) zone sign regulations.
4. The Applicant shall submit building plans for review and approval by the City, including the following exterior improvements:
  - a. Submit and obtain approval of a detailed wall plan with the building permit application, including a site plan, elevation and cross-section showing the design, color and materials of the combination wall and wrought iron fence and the gate across the driveway. The walls and fences shall be 6 feet in height. The color and materials of the walls shall blend with the design of the existing building. The plan shall include details of the gate on the site plan and elevation. Gates across a driveway require review and approval of the Fire Department.
  - b. Roof drains serving the proposed addition shall be directed to drain into the existing landscape areas before discharge into storm drainage systems.
  - c. If external down-spouts are proposed for roof- drainage, they shall be painted to match the background wall color.
  - d. The building plan shall include a revised elevation that clearly labels the colors of the base stucco, accent stucco, metal roof and siding that is consistent with the approved color and materials board.
5. Prior to issuance of the building permit, the Applicant shall pay in full any unpaid balance for the Project, including Deposit Account No. DQ1731.

**BUILDING DIVISION:**

The Applicant shall submit an application for building permits and required fees to the satisfaction of the City Building Official per the following requirements:

6. The Building Permit shall comply with all applicable codes and requirements, including but not limited to the 2013 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2013 California Electrical Code, 2013 Fire Code, 2013 California Energy Code, and 2013 California Green Building Standards, as adopted and amended by the State of California and City of Chula Vista. Approval from the Planning, Engineering or Fire Department is required prior to permit issuance.
7. This project must be designed by an Architect or Engineer licensed by the State of California. [California Business and Professional Code 5536.1, 6735].

LANDSCAPE ARCHITECTURE DIVISION:

8. The applicant shall submit a detailed landscape plan prepared by a California Licensed Landscape Architect for review and approval with the building permit submittal, which is in substantial conformance with the Concept Landscape Plan, and designed per Landscape Manual and CVMC requirements. The detailed landscape plan shall include the following changes from the concept landscape plan:
  - a. The Washington Robusta (Mexican Fan Palm) street trees along 27th Street shall be replaced by broadleaf trees.
  - b. The Pennisetum "Eaton Canyon" plant shall be replaced by another plant or grass such as Mulenbergia Regal Mist (Pink Muhly).
  - c. Provide a separate symbol for the project perimeter fence, and plant vines along the fence, to the west end of the property, as well as along the fence facing 27<sup>th</sup> Street. Vines shall be planted at no more than 12 feet on center. If not self-climbing, the vines shall be attached to the fence by a vine-tying mechanism.
  - d. The plans shall show the correct address of 2681 Main Street.

ENGINEERING-LAND DEVELOPMENT DIVISION:

The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit, construction permit or at the timeframe specified in the condition, as determined by the Land Development Division:

General Comments and Fees:

9. The following fees shall be paid by the Applicant, based on the Final Building Plans submitted. Fees are charged for the project only, in excess of current land use:
  - a. Sewer connection and capacity fees;
  - b. Traffic Signal Fees
  - c. Public Facilities Development Impact Fees (PFDIF)
  - d. Western Transportation Development Impact Fees (WTDIF)
  - e. Other Engineering Fees as applicable per the Master Fee Schedule.
10. If a Construction Permit is required, the Applicant shall pay the additional deposit or fee in accordance with the City Subdivision Manual and Master Fee Schedule with the submittal.

Public Improvements:

11. Prior to obtaining any Building Permit for the Project, if project's total on-site improvements exceed Engineering Threshold of (currently: \$52,070.00), per CVMC,

Section 12 24.020, then the applicant shall be required to obtain a Construction Permit from the Land Development Section of the Department of Development Services (The On-Site Improvements Trigger for Installation of Public Improvements is adjusted on an annual basis on July 1 based on the Engineer Construction Cost Index, See Attachment). If applicable, a Construction Permit is required to perform the following work in the City's right-of-way, which may include, but is not limited to:

- a. Removal and replacement of any broken curb, gutter, sidewalk per SDRSD G-2, and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
  - b. Removal and replacement of existing driveway(s) meeting design standards as shown in Chula Vista Construction Standard CVCS-1A. Current Driveway(s) shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing driveway is cracked or broken. Dedication of R/W as needed in order for driveway to comply with (American Disability Act) ADA requirements.
  - c. Removal and replacement of existing pedestrian ramp on the corner of Main Street and 27<sup>th</sup> Street per Chula Vista Construction Standard CVCS-25. Current pedestrian ramp shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing pedestrian ramp is cracked or broken.
  - d. Installation of curb, gutter, and sidewalk per SDRSD G-3 along the southerly 62 feet of the project's frontage along 27<sup>th</sup> Street only. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
12. The Applicant shall submit separate permits for other public utilities (gas, electric, water, cable, telephone) as necessary.
13. Any improvements in the right-of-way beyond the project limits shall be designed and constructed as to not interfere with adjacent businesses, as approved by the City Engineer.
14. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.180 of the Municipal Code.

Private Onsite Improvements:

15. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.
16. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.

Mapping:

17. Per City of Chula Vista Standard Drawing CVD-ST04, 27<sup>th</sup> Street is classified as a Residential- Industrial Street with a half-width right-of-way of 20 feet. The Applicant shall be required to dedicate the necessary right-of-way to meet the 20 feet width from centerline to property line along the southerly 62 feet adjacent to 27<sup>th</sup> Street prior to obtaining a Construction Permit for the Street Improvements or a Building Permit for the site. The Applicant shall submit street dedication documents prepared by a Registered Civil Engineer or licensed Land Surveyor.

Chula Vista Municipal Code Requirements:

18. Any private facilities (if applicable) within Public right-of-way or City easement will require an Encroachment Permit prior to Improvement Plan or Building Permit approval.
19. All utilities serving the subject property and existing utilities located within or adjacent to the subject property shall be undergrounded in accordance with the Chula Vista Municipal Code Section. Further, all new utilities serving the subject property shall be undergrounded prior to the issuance of Building Permits.

Traffic Engineering:

20. Prior to approval of a building permit or construction permit for the project, submit an Improvement Plan that includes a signage and striping plan for the segment of 27<sup>th</sup> street between Main and Faivre Street, which has been designated a southbound-only street by the City Traffic Safety commission. The Improvement Plan shall show typical public street sections with distances and red curbs for the Main Street and 27th Street frontages, per Chula Vista City Standards.

**FIRE DEPARTMENT:**

21. The applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), Mechanical Code, and Residential Code as adopted and amended by the State of California and the City of Chula Vista.
22. Entry gates shall be included on the Building Permit plans and require the review and approval of the Fire Marshal. Non-motorized entry gates require a Knox padlock, and motorized entry gates require a Knox switch and Opticom system

**PUBLIC WORKS DEPARTMENT - ENVIRONMENTAL SERVICES, RECYCLING AND SOLID WASTE:**

23. Obtain approval of a building permit including construction of a trash enclosure designed to meet the City's Recycling and Solid Waste standards. The enclosure shall include a solid roof with a minimum height of 10 ft. to the bottom of the roof. The trash enclosure shall be graded and improved to prevent run-on into and run-off from the trash enclosure

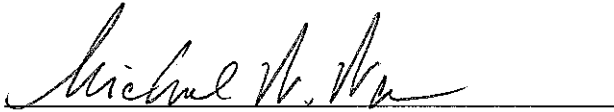
area.

**DEVELOPMENT SERVICES DEPARTMENT:**

**PLANNING DIVISION:**

24. The Applicant shall ensure that the project operates in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
25. This Design Review Permit authorizes only the use specified in the project description for DRC-13-11 listed above. Any new use, modification/expansion of use, or activities not authorized under this Design Review Permit shall be subject to the review and approval of the Zoning Administrator.
26. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.600 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
27. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Design Review Permit.
28. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Design Review Permit.
29. The Applicant shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this design review permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant shall acknowledge their agreement to this provision by executing a copy of this design review permit where indicated, above. Applicant's compliance with this provision is an express condition of this design review permit and this provision shall be binding on any and all of Applicant's successors and assigns.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 28<sup>th</sup> day of May, 2015.

A handwritten signature in cursive script, appearing to read "Michael W. Walker", is written over a horizontal line.

Michael W. Walker,  
Zoning Administrator

cc     Juan Quemado, 875 Bowsprit Road, Chula Vista, CA 91914  
        Miguel Tapia, Senior Planner  
        Lou El Khazen, Building Official  
        Susan Giberson, Code Enforcement Officer